

REMARKS

Applicant have reviewed this Application in light of the Office Action mailed March 23, 2006. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected under 35 U.S.C. § 102(e). Claims 4, 12 and 14 have been amended to further define various features of Applicant's invention. Claims 9 and 13 have been cancelled without prejudice or disclaimer. New claims 21 and 22 have been added. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-20 were rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,549,977 issued to Robert W. Horst et al. ("Horst").

In response to the rejection of independent claim 1, Applicant has amended the claim to recite returning a success status...before taking further action with respect to write data associated with the write operation. Applicant respectfully submits that the cited art does not teach all of elements of claim 1 as amended.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Horst does not anticipate Claim 1 as amended because Horst does not show all elements of amended claim 1. Horst fails to disclose, either expressly or inherently, a RAID creation method that includes intercepting I/O operations between a volume manager and a disk driver and, upon detecting a write operation to a data portion of a disk RAID volume, returning a success status to the requesting application *before taking further action with respect to write data associated with the write operation*, as recited in amended Claim 1.

Assuming for the sake of this discussion that Horst's "deferred completion interrupts" return a success status, as recited in Claim 1, Horst's deferred completion interrupts are not returned until after further processing of a write operation. (*See, e.g.*, Col. 7, lines 38-55). Horst returns the completion interrupts only after a disk cache containing data associated with

one or more write operations is written out to storage, i.e., flushed. Horst, in fact, teaches away from the concept of returning a success status quickly (i.e., before taking further action on the associated write data). Whereas amended claim 1 recites returning a success status before further processing of data associated with a write operation, Horst is concerned with the benefits of deferring or delaying interrupts. See, e.g., Horst, column 7, lines 38-42.

Because, Horst does not teach, either expressly or inherently, the returning of a success status as recited in Claim 1, Applicant respectfully requests the Examiner to reconsider and withdraw the Section 102 rejection of claim 1 and its dependent claims.

In response to the anticipation rejections of Claims 4 and 12, Applicant has amended the claims to recite, respectively, an information handling system and a program of instructions operable to process a write operation to a data portion of a RAID volume by returning a success status indicator before further processing of the write operation data. Applicant submits that Horst does not anticipate Claims 4 and 12 as amended because, again, Horst not only fails to disclose returning a success status to a requesting application *in lieu of processing the write operations* a program of instructions operable to respond to certain write operations by generating a success status before taking further action regarding the write data, Horst actually discourages the concept of an early success status signal by teaching and lauding the benefits of a technique for deferring write completion interrupts signals.

Given that Claims 2, 3, 21 (new), and 22 (new) depend from Claim 1, Claims 5-8, 10 and 11 depend from Claim 4, and Claims 14-20 depend from Claim 12, Applicant respectfully submits that Claims 2, 3, 5-8, 10, 11 and 14-22 are allowable. As such, Applicant respectfully requests that the Examiner reconsider, withdraw the rejections under 35 U.S.C. § 102(e) and allow Claims 1-8, 10-12 and 14-22.

CONCLUSION


In this response, Applicant has addressed the claim rejections under Section 102(e), which is the only issue raised in the Office Action. In view of the amendments made and Applicant's remarks, Applicant believes that this case is in condition for allowance. Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believe no fees are due, however, the Commissioner is hereby authorized to charge any fees due or credit any overpayments to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2680.

Respectfully submitted,

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23 Jan 2006

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